IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

MONDAY, THE FIFTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 11179 of 2004

Between:
Shaik Chalapalli Malim, D/o.Nasaruddin, R/o.Nawabpet, Podili (M), Prakasam Dist.

.....
PETITIONER

AND

1 The Revenue Divisional officer, Kandukur, Prakasam Dist.
2 The Mandal Revenue office, Podili (M), Prakasam Dist.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus declaring the order of the 1st respondent in D. Dis No.F/3639 2003 dt.24-6-2004 thereby appointing fair price shop dealer temporarily for the unit of ward numbers 7 and 8 of Podili town without following due process of law as contemplated under the provisions of AP Public Distribution Control order 2001 is illegal, irregular and violative of Art; 14, 16, 19 and 21 of the Constitution of India, quash the same and consequently direct the respondent to appoint fair price shop dealer following due process of recruitment in the interests of justice and pass.

Counsel for the Petitioner: MR.SATYANARAYANA NIMMAGADDA

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court made the following:

ORDER:

This writ petition is filed by the petitioner aggrieved by the action of the first respondent in making temporary appointment with reference to the Fair Price Shop for the unit of ward numbers 7 and 8 of Podili town without following due process of law.

2. According to the petitioner, she is one of the eligible candidates who would like to compete for appointment as Fair Price Shop Dealer. She has fulfilled all the required qualifications stipulated under the Rules. But, however, the grievance of the petitioner is that the first respondent appointed a third party, one Mr.Shaik Yasin, S/o Nayab Rasool, as a temporary Fair Price Shop Dealer on the recommendation of the Mandal Revenue Officer and the said appointment, according to the petitioner, is illegal and without jurisdiction.

3. Sri R.Sudhir, learned counsel representing the candidate who has been appointed on temporary basis and who was not impleaded, contended that the appointment does not come in the way of making permanent appointment. Therefore, there is no need to follow any procedure for making temporary appointment. Hence, sought for appropriate orders to be passed by this Court.

4. Heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies.

5. As the appointment was made by the first respondent only on temporary basis in view of the new shop created to Podili town with reference to ward numbers 7 and 8, the said temporary appointment made on the recommendation of the Mandal Revenue Officer, may not be considered as illegal or irregular, as the said appointment is only stop gap arrangement before making permanent appointment. Therefore, this Court declines to go into the merits of the impugned order. However, the first respondent is directed to issue a regular notification for making permanent appointment calling for applications from the eligible candidates and take steps to appoint a permanent Fair Price Shop Dealer, within a period of four months from the date of receipt of a copy of this order.

6. Pending regular appointment to be made, the candidate who has already been appointed on temporary basis, shall be allowed to continue.

7. With the above directions, the writ petition is disposed of. No costs.

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05.07.2004

VGB

To

1 The Revenue Divisional Officer, Kandukur, Prakasam Dist.
2 The Mandal Revenue officer, Podili (M), Prakasam Dist.
3 2CCs to the Govt. Pleader for Civil Supplies, High Court

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